

**TESTIMONY ON HOUSE BILL 2476
BEFORE HOUSE COMMITTEE ON JUDICIARY
MARCH 27, 2025**

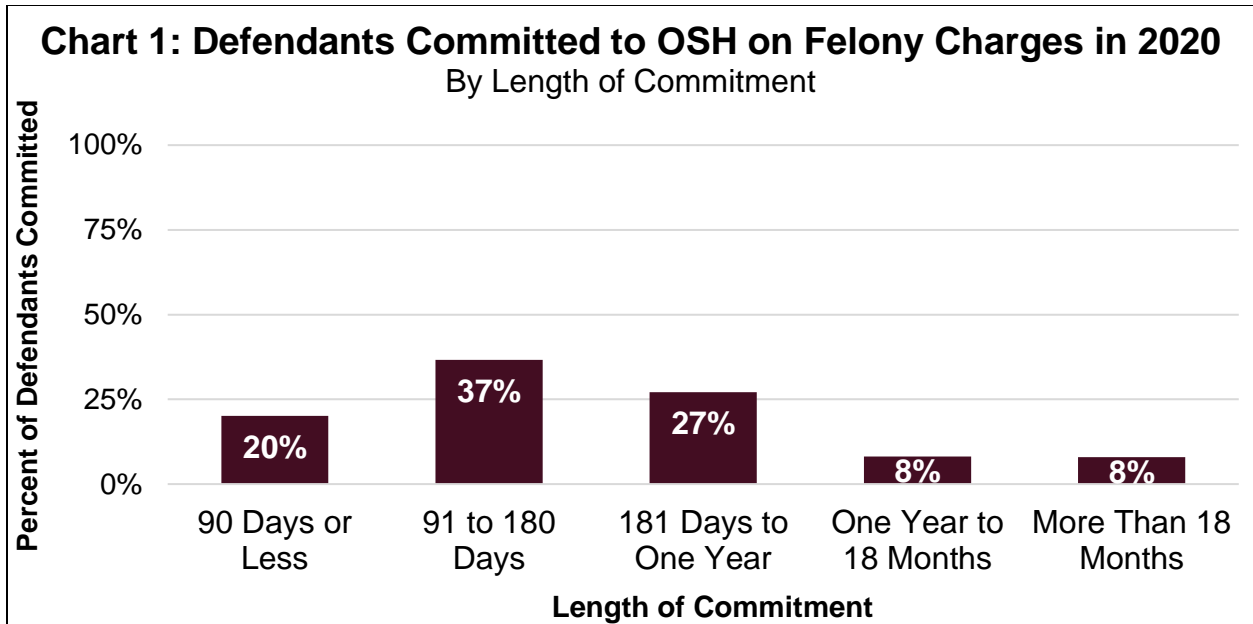
**PRESENTED BY: CHANNA NEWELL, SENIOR STAFF COUNSEL FOR
GOVERNMENT RELATIONS
OREGON JUDICIAL DEPARTMENT**

Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill (HB) 2476 and the -1 amendments. While the Oregon Judicial Department (OJD) is neutral on the bill, the thoughtful compromise and incredible efforts made by the Oregon District Attorneys Association and the Oregon Criminal Defense Lawyers Association to reach agreement must be applauded.

This amendment does three significant things. First, it sets new time limitations on the length of time a defendant may receive restoration treatment at the Oregon State Hospital (OSH). These timelines vary by the severity of the charge and were prompted by the outcomes experienced from the federal court orders on the issue. Second, the amendments, for the first time in Oregon's history, place limits on the time a defendant can be restored in the community. Third, the amendment provides a method for the parties and the court to regularly assess and modify the process of community restoration to ensure that the services provided will result in restoration, or that the efforts will be ended. Again, this is a new process for Oregon and a significant modification to the community restoration process. OJD also understands that additional modifications are being made to the amendment to capture the spirit of what the parties intended. Those details are not included in this testimony.

The timelines proposed by the -1 amendments are a middle ground between having among the longest timelines for restoration in the country, and the shortest timelines proposed by Dr. Debra Pinals, encompassed in HB 3051. The restoration timelines in the -1 amendments are supported by the data on the length of time required to restore most defendants to fitness, with the vast majority of defendants capable of being restored in less than a year, but with some outliers needing more than a year for restoration.



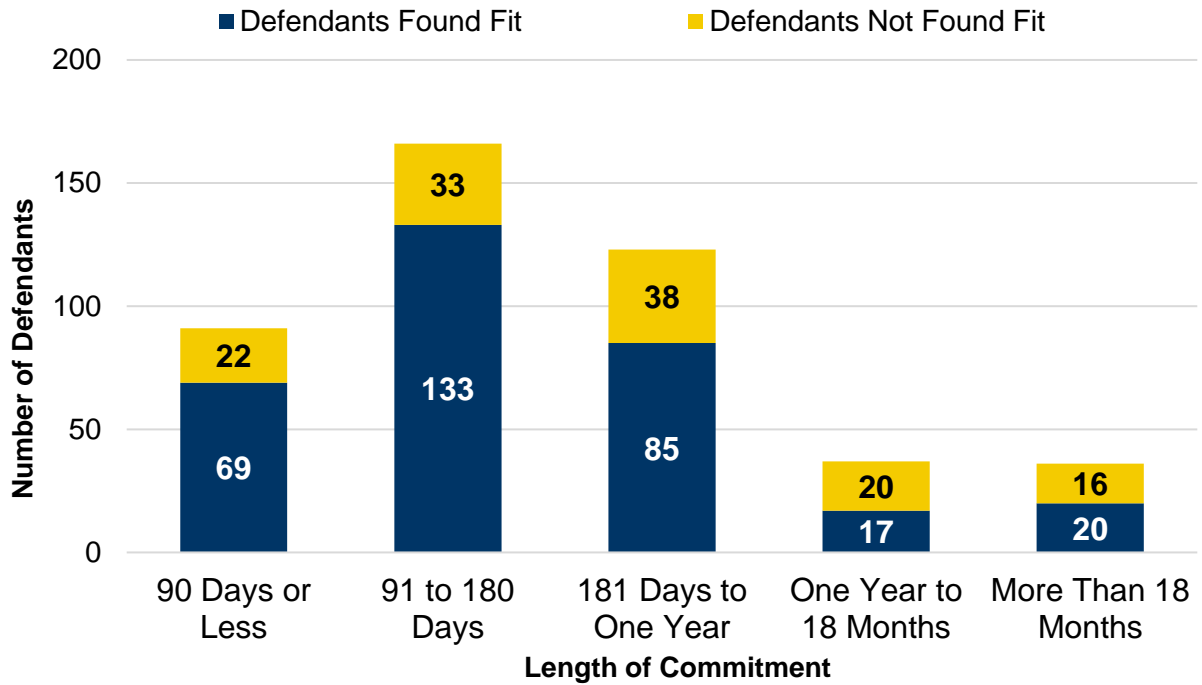
OJD took data from 2020 to complete this analysis. We determined that the restrictions imposed by Judge Mosman in the *Mink/Bowman* litigation meant that the data from 2020 was the most recent data that could provide insight into what length of time was necessary for restoration under the statutory provisions in Oregon law. It is important to acknowledge that even within this dataset, the effects of the COVID-19 pandemic may influence the length of stay or number of defendants admitted.

As Chart 1 shows, for defendants with felony charges, more than half of defendants (57%) were committed to OSH for no more than 180 days, and 84% were committed for less than a year.

Chart 2 shows the outcomes for those commitments by whether those defendants were found fit to proceed or deemed not fit to proceed at the time of discharge from OSH. This chart also only reflects defendants who had a determination made at the time of discharge from OSH. Defendants are not included in this graph if they were found able while in community restoration, after discharge from OSH.

For defendants with felony charges committed to OSH for restoration treatment that were committed for 90 days or less, 76% were considered able. Of those committed to OSH for 91 to 180 days, 80% were restored. Of those who were committed between 181 days and 365 days, 69% were returned able. For defendants who were committed to OSH for more than a year, 51% were fit to proceed when commitment to OSH was terminated.

Chart 2: Defendants Committed to OSH on Felony Charges in 2020
By Length of Commitment and Whether Defendant Was Found Fit to Proceed When



OJD appreciates the continued efforts of the workgroup members on this important topic and looks forward to continuing the discussion.